

REMARKS

A substitute specification was filed in the previous application Serial No. 08/132,202 on December 22, 1993 (Paper No. 3) and apparently was accepted by the Examiner.* It is requested that the Examiner accept the substitute specification, a copy of which is attached.

The Examiner's final rejection of claims 6 and 8 through 26 in the previous application, No. 08/384,596, was the subject of an appeal to the Board of Patent Appeals and Interferences. In its Decision dated February 19, 2003 (Paper No. 52), the Board affirmed the rejection of claims 6 and 8-26. The Board's Decision is based upon a determination that the differences between the cited references and Applicant's subject matter as claimed would have been obvious under §103(a). In its Decision, the Board makes certain assumptions of what would have been obvious to a person of ordinary skill in this art. These factual determinations are incorrect and Applicant submits herewith a Declaration of Lars Löfgren, which is attached as Exhibit 1.

Applicant's invention relates to a continuous packaging process which includes a filling machine into which a packaging material web is supplied. The packaging machine reforms the web into a tube by overlapping the longitudinal edges of the web in an overlap seam or joint (Specification, page 1, lines 22-28). Liquid contents such as milk or juices fill to the tube which is then sealed transversely at uniform intervals to form individual

* See Decision of BPAI, February 19, 2003, page 5 (Paper No. 52).

packages. By folding along crease lines in the packaging material, the packaging containers are formed into the desired configuration (Specification, page 1, line 34 - page 2, line 2).

A preferred embodiment of Applicant's process is illustrated in Fig. 1. Applicant's process is a continuous process starting with the aluminum foil 4 and a prefabricated laminated thermoplastic film 5. The foil passes over a steel roller 10 and into the nip of a first pair of rollers 10-12. The roller 10 is a steel roller, preferably, which is heated and which is directly in contact with the foil 4. The heat from the foil and the roller 10 is sufficient to cause the foil to be bonded to the prefabricated laminated film. Aluminum foil with the thermoplastic backing passes from the first pair of rollers 10-12 to the second pair of rollers 13-14. A paper core layer 2 has holes 18 punched in it to receive an opening device for the package. At the places where a hole has been punched, it is necessary for the foil laminate to bridge across the hole without tearing or becoming wrinkled. The paper core web 2 is supplied to the nip between the cooling roller 13 and the rubber-coated roller 14. The foil laminate 7, with the foil side facing the paper layer, is bonded to the paper layer by a thermoplastic adhesive 9 from an extruder so that the thermoplastic adhesive 9 bonds together the paper core layer and the foil laminate as shown in Fig. 2.

The backing of the foil layer by the prefabricated thermoplastic laminated film 6 produces a stiffer foil which is able to extend across the holes-18 without substantial deflection into the interior of the hole 18. The foil is protected from being torn or wrinkled while the thermoplastic adhesive 9 is being applied. Applicant's process is a continuous process with a breaking roller 11 maintaining tension in the foil laminate as it passes from the pair of rollers 10-12 to the rollers 13-14 where the paper core web is inserted.

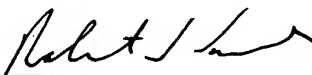
Claims 6-16 in this application are directed to the steps of the process that avoid tears or wrinkles when laminating packaging web which includes a foil and a paper layer with holes. It is submitted that these claims are patentable over the prior art.

A Declaration of an expert in the field of lamination processes and products, Lars Löfgren, is attached. He provides a factual basis in support of the patentability of the subject matter as claimed.

Respectfully submitted,

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